

AMENDED IN SENATE APRIL 25, 2012

SENATE BILL

No. 1421

Introduced by Senator Correa

February 24, 2012

An act to amend Section ~~65913~~ 799.1 of the ~~Government~~ Civil Code, relating to ~~housing~~ mobilehomes, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1421, as amended, Correa. ~~Affordable housing. Mobilehomes: resident-owned mobilehome parks.~~

Existing law restricts a local agency from disapproving an affordable housing development project, as prescribed. With respect to that law, legislative findings and declarations state that there is a severe shortage of affordable housing and that changes in the law, which are designed to, among other things, expedite the local and state residential development process, are needed to encourage the development of new housing.

The Mobilehome Residency Law governs the terms and conditions of tenancies in mobilehome parks and defines a mobilehome park for purposes of these provisions. The law also sets forth separate provisions that govern, and are only applicable to, the rights of a resident who has an ownership interest in a subdivision, cooperative, or condominium for mobilehomes or a resident-owned mobilehome park in which the resident's mobilehome is located or installed. Existing law provides, notwithstanding these provisions, that in a mobilehome park owned and operated by a nonprofit mutual benefit corporation, as specified, whose members consist of park residents where there is no recorded condominium plan, tract, parcel map, or declaration, those specified

provisions of the Mobilehome Residency Law govern the rights of members who are residents that have a rental agreement with the corporation.

This bill would ~~make technical, nonsubstantive changes to those legislative findings and declarations~~ instead provide that specified portions of the Mobilehome Residency Law govern the rights of members of certain nonprofit mutual benefit corporations who are residents that rent their space from the corporation. The bill would also exclude nonprofit mutual benefit corporations whose members consist of park residents where this no recorded parcel map from the provisions described above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 799.1 of the Civil Code is amended to*
 2 *read:*
 3 799.1. (a) Except as provided in subdivision (b), this article
 4 shall govern the rights of a resident who has an ownership interest
 5 in the subdivision, cooperative, or condominium for mobilehomes,
 6 or a resident-owned mobilehome park in which his or her
 7 mobilehome is located or installed. In a subdivision, cooperative,
 8 or condominium for mobilehomes, or a resident-owned
 9 mobilehome park, Article 1 (commencing with Section 798) to
 10 Article 8 (commencing with Section 798.84), inclusive, shall apply
 11 only to a resident who does not have an ownership interest in the
 12 subdivision, cooperative, or condominium for mobilehomes, or
 13 the resident-owned mobilehome park, in which his or her
 14 mobilehome is located or installed.
 15 (b) Notwithstanding subdivision (a), in a mobilehome park
 16 owned and operated by a nonprofit mutual benefit corporation,
 17 established pursuant to Section 11010.8 of the Business and
 18 Professions Code, whose members consist of park residents where
 19 there is no recorded condominium plan, tract, ~~parcel map~~, or
 20 declaration, Article 1 (commencing with Section 798) to Article
 21 8 (commencing with Section 798.84), inclusive, shall govern the

rights of members who are residents that have a rental agreement with rent their space from the corporation.

SEC. 2. *This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:*

In order to protect and clarify landlord-tenant rights within resident-owned mobilehome parks, it is necessary that this act take effect immediately.

SECTION 1. ~~Section 65913 of the Government Code is amended to read:~~

~~65913. (a) The Legislature finds and declares that there exists a severe shortage of affordable housing, especially for persons and families of low and moderate income, and that there is an immediate need to encourage the development of new housing, not only through the provision of financial assistance, but also through changes in law designed to do all of the following:~~

~~(1) Expedite the local and state residential development process.~~

~~(2) Ensure that local governments zone sufficient land at densities high enough for production of affordable housing.~~

~~(3) Ensure that local governments make a diligent effort through the administration of land use and development controls and the provision of regulatory concessions and incentives to significantly reduce housing development costs and thereby facilitate the development of affordable housing, including housing for elderly persons and families, as defined by Section 50067 of the Health and Safety Code.~~

~~These changes in the law are consistent with the responsibility of local government to adopt the program required by subdivision (c) of Section 65583.~~

~~(b) The Legislature further finds and declares that the costs of new housing developments have been increased, in part, by the existing permit process and by existing land use regulations and that vitally needed housing developments have been halted or rendered infeasible despite the benefits to the public health, safety, and welfare of those developments and despite the absence of adverse environmental impacts. It is, therefore, necessary to enact this chapter and to amend existing statutes that govern housing development so as to provide greater encouragement for local and~~

- 1 ~~state governments to approve needed and sound housing~~
- 2 ~~developments.~~

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